

REMARKS

This Response, submitted in response to the Office Action dated March 18, 2010, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 3-11, 14-22, and 28-30 are all the claims pending in the application. Claims 28 and 29 are independent.

I. Claim Rejections - 35 U.S.C. § 103

The Examiner rejected claims 3-11, 14-22, and 28-30 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Riggins (US 6,766,454 B1), and in further view of Clark (US 5,490,251) and Koo et al (US 6,831,909 B1). The Applicant respectfully traverses the rejection.

Claim 28

The Examiner admits that Riggins fails to teach several elements of claim 28, and cites to Clark as teaching a few of the elements missing in Riggins. The Examiner admits that both Riggins and Clark fail to teach “wherein data on another channel is being sent during a voice connection between at least two users on said second channel so as to make services available during said voice connection; or wherein the second transmission channel is dedicated to the exchange of voice data.” *Office Action*, p. 5.

The Examiner cites to Koo for the missing features of Riggins and Clark, and states that it would have been obvious “to utilize the teachings of Koo for simultaneous voice and data transmissions,” since “the teachings of Koo, when implemented in the Riggins/Clark system,

will allow one of ordinary skill in the art to send authentication data over a signaling channel while a voice connection is using the main bearer channel.” *Office Action*, p. 6.

A. Koo teaches away from claim 28

The Applicant respectfully disagrees, as Koo, like Riggins and Clark, fails to teach “wherein the server exchanges signaling data on the first transmission channel simultaneously with an exchange of voice data on a second transmission channel in accordance with a selected protocol; wherein the second transmission channel is dedicated to the exchange of voice data,” as recited in claim 28. The Examiner cites to col. 1, lines 22-38 of Koo as reciting these features, but Koo actually teaches away from the ability to have an exchange of signaling data on a first channel simultaneously with the exchange of voice data on a second channel where the second channel is dedicated to the exchange of voice data.

Koo describes that “dedicated channels include a fundamental channel (FCH) for processing a voice signal, a supplemental channel for transmission of packet data, and a dedicated control channel (DCCH) for transmission of control information.” *Koo*, col. 1, lines 25-29. Koo then describes that in next-generation CDMA systems, “...the fundamental channel can transmit voice and the dedicated control channel can transmit packet data.” However, Koo then discloses a problem with this idea:

However, the dedicated control channel cannot be requested, let alone both the dedicated channel and the fundamental channel concurrently, in the IS-95 CDMA scheme. If the MS sequentially requests a fundamental channel and a dedicated control channel, the first requested channel can be assigned on a paging channel but the next requested channel cannot be assigned on the paging channel.

Koo, col. 1, lines 38-44 (emphasis added). In other words, Koo admits that there is no way for setting up concurrent (simultaneous) operation of a voice channel and a packet data channel. Koo then theorizes that “while a communication is in progress using a dedicated channel, a fundamental channel or a dedicated control channel should be assigned on the dedicated channel in the communication state.” *Id.*, lines 45-48 (emphasis added). To solve this problem, Koo proposes that “a method is needed in which a fundamental channel or dedicated control channel assignment message is transmitted/received on a channel other than a paging channel, for channel assignment.” *Id.*, lines 48-51 (emphasis added).

In other words, Koo proposes sending messages across dedicated channels, including sending non-voice data assignment messages over an otherwise “dedicated” voice channel. Koo, at col. 6, lines 1-7, states:

Then, the PHY 30 transmits the general channel assignment message on the dedicated channel already established between the BS and the MS. If the established channel presently in the conversation state is a fundamental [voice] channel, the channel assignment message may be used to assign a dedicated control channel, and vice versa.”

(emphasis added). Koo actually disclosing sending messages, i.e. non-voice data, across the fundamental, or voice channel, in order to initiate the second channel for data packet transmission. The voice channel is Koo is therefore not dedicated to the exchange of voice data, and Koo therefore does not disclose “wherein the second transmission channel is dedicated to the exchange of voice data,” as recited in claim 28.

As both Riggins and Clark also fail to teach the described features of claim 28, the Applicant submits that neither Riggins, Clark or Koo, taken alone or in combination, teach or suggest the features of claim 28.

B. Clark fails to teach setting up a connection

The Examiner cites to Clark as teaching “setting up a connection on the first transmission channel (Clark: abstract),” but the Applicant first notes that claim 28 recites “wherein the configuration data enables the terminal to set up a connection with the server on the first transmission channel during a voice connection between at least two users on the second transmission channel.” Clark fails to disclose each and every element of claim 28, as Clark does not disclose or suggest setting up a connection with a server on the first transmission channel during a voice connection between at least two users on the second transmission channel. As the Applicant noted above in Section A, Koo discusses the difficulty in setting up a separate connection between during a voice connection between at least two users on the second transmission channel, as Koo is forced to send message data over the voice channel, meaning that the voice channel is not dedicated to the exchange of voice data.

Neither Clark, Riggins nor Koo, taken alone or in combination, teach or suggest “wherein the configuration data enables the terminal to set up a connection with the server on the first transmission channel during a voice connection between at least two users on the second transmission channel,” as recited in claim 28.

C. No reason to combine Riggins, Clark and Koo

Finally, the Applicant notes that there is no reason for one of skill in the art to combine the teachings of Riggins, Clark and Koo in order to arrive at the features of claim 28. As mentioned above, Koo actually teaches away from providing dedicated voice and data channels, and both Riggins and Clark are directed to unrelated systems which are not concerned with providing services to a terminal during a separate voice connection.

For at least the reasons stated above, the Applicant respectfully requests that the rejection under 35 U.S.C. § 103 be withdrawn.

Claim 29

The Applicant submits that inasmuch as claim 29 recites features similar to claim 28, claim 29 is also allowable over the combination of Riggins, Clark and Koo.

Claims 3-11, 14-22 and 30

The Applicant additionally submits that claims 3-11, 14-22 and 30 are allowable at least based on their dependency to their respective independent claims 28 and 29.

II. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.116
U.S. Appln. No.: 10/517,369

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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